

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NOS. 5:12-CV-186; 3:14-CV-504**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC APPELBAUM,

Defendant.

CLAUDIA APPELBAUM,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant,

ORDER

BEFORE THE COURT is the parties' Joint Motion to Consolidate this case with *Claudia Appelbaum v. United States of America*, 3:14-cv-504-RJC-DSC. (Doc. 27). Rule 42 provides that "[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions." The Court finds that consolidation is warranted for the grounds stated in the motion. Both chambers agree that 5:12-cv-186 will be the lead case. The Court also agrees that a bifurcated trial is warranted, where the issues in the lead case, 5:12-cv-186, will be tried first. The Court will retain the original November 2015 trial date; however, the Court **will not issue an order regarding the outstanding motion for summary judgment until the parties have completed mediation in accordance with the Scheduling Order.** The parties' deadline for mandatory mediation has passed in both 5:12-cv-186 and 3:14-cv-504.

IT IS, THEREFORE, ORDERED THAT:

- (1) The Motion to Consolidate (Doc. 27) is **GRANTED**;
- (2) The Clerk shall copy all filings from 3:14-cv-504 into 5:12-cv-186;
- (3) 5:12-cv-186 is designated as the lead case;
- (4) 3:14-cv-504 is administratively closed; and
- (5) The parties shall conduct mediation and file a report of mediation in accordance with the Local Rules and the Scheduling Order in place.

Signed: August 11, 2015

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

